IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 26479 of 2005(B)

PETITIONERS:
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1. SRI. M. KUTTIKRISHNAN NAIR,
PRESIDENT OF THE AZHAKODI DEVI CHARITABLE
TRUST, CALICUT RESIDING AT KASABA AMSOM,
THIRUTHIYAD, CALICUT.

2. SRI. AZHAKODI DEVI CHARITABLE TRUST,
CALICUT, REPRESENTED BY ITS SECRETARY
E. RAGHUNATHAN, RESIDING AT THIRUTHIYAD, PUTHIYARA
KOZHIKODE-4.

BY ADV. SMT.PRABHA R.MENON
SRI.M.KRISHNAKUMAR

RESPONDENTS:
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1. THE DEPUTY COMMISSIONER,
HR & CE (ADMN) DEPARTMENT,
CIVIL STATION, KOZHIKODE-20.

2. THE COMMISSIONER, HR & CE (ADMN.)
DEPARTMENT, KOZHIKODE.

3. THE ASSISTANT COMMISSIONER,
HR & CE (ADMN.) DEPARTMENT, KOZHIKODE.

4. THE HON'BLE MINISTER FOR HINDU
RELGIOUS ENDOWMENTS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

5. SREE AZHAKODI DEVI TEMPLE,
KOZHIKODE, REPRESENTED BY ITS CHAIRMAN
K. SIVARAMAN NAIR, OF ITS BORD OF TRUSTEE
RESIDING AT THIRUTHIYAD, KOZHIKODE.

ADDL.6. T.P.RADHAKRISHNAN, S/O.P.KUNHIKRISHNAN NAIR,
POOZHIKOTHE HOUSE, THIRUTHIYAD, CALICUT.

(ADDL.6TH RESPONDENT IS IMPLEADED AS PER
ORDER DATED 31.10.2005 IN IA 14207/2005)

ADDL. 7. K.SOMAN, (THIRD PARTY), EXECUTIVE OFFICER,
AZHAKODI DEVI TEMPLE, THIRUTHIYAD, KOZHIKODE-4.

8. SUKUMARAN PUTHIYOTTIL, CHAIRMAN,
TRUESTEE BOARD, SREE AZHAKODI DEVI TEMPLE,
THIRUTHIYAD, KOZHIKODE-4.

(ADDL.RESPONDENTS 7 AND 8 ARE IMPLEADED AS PER
ORDER DATED 16.8.2006 IN IA NOS.10855 & 11147/2006)

R6 BY ADV. SMT.ANU SIVARAMAN
R1 TO R4 BY SR.GOVERNMENT PLEADER MR.M.R.SABU
R7 BY SRI.K.RAMAKUMAR
SRI.C.P.KUNJHIKANNAN
SMT.VIDHYA. A.C

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/11/2006, ALONG WITH WPC NO. 26548 OF 2005 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.P.(C) Nos.26479 & 26548 of 2005

Dated, this the 17th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Learned counsel appearing on behalf of the petitioners states that the petitioners have already filed a civil suit for the same cause of action, which right is available to them under the statute and leaving the said remedy open to the petitioners these writ petitions be dismissed as infructuous. We order accordingly.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns